

**Notice of Allowability**

Application No.

10/780,314

Examiner

Timothy J. Kugel

Applicant(s)

REDDY ET AL.

Art Unit

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after non-final rejection filed 25 October 2007.
2. ☒ The allowed claim(s) is/are 21-23,27-35,37,40,56 and 57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Claims 21-23, 27-35, 37, 40, 56 and 57 are pending as amended on 25 October 2007, claims 1-20, 24-26, 36 and 41-55 being cancelled.

2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office action.

### ***Response to Amendment***

3. Applicant's amendment, filed 25 October 2007, specifically canceling claims 38 and 39 and amending independent claim 21 to require the hydrophobically modified polymer to be selected from the group consisting of a copolymer of N-alkylacrylamide and an ionic monomer; a copolymer of stearylacrylate and acrylic acid; a terpolymer of N-isopropylacrylamide, trimethyl acrylamidopropyl ammonium iodide and 3-dimethyl-(methacryloxyethyl) ammonium propane sulfonate; a copolymer of N-tertiarybutylacrylamide or N-isopropylacrylamide and 2-acrylamide-2-methyl propane sulfonic acid; poly(ethyleneoxide)-block-poly(propyleneoxide)-block-poly(ethyleneoxide) grafted with poly(sodium acrylate); hydrophobically modified poly(sodium acrylate) and a copolymer of N-vinylcaprolactam and sodium acrylate and requiring the copolymer of N-alkylacrylamide and an ionic monomer to consist of 60 to 0.1 mole percent hydrophilic monomers and 40 to 99.9 mole percent hydrophobic monomers has been fully considered and overcomes the following:

The rejection of claims 21-23, 27, 28, 31, 33-35, 38 and 39 under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being unpatentable over US Patent 4,814,096 (Evani hereinafter) has been withdrawn.

The rejection of claim 32 and 57 under 35 USC § 103(a) as being unpatentable over Evani has been withdrawn.

The rejection of claims 29, 30 and 56 under 35 USC § 103(a) as being unpatentable over Evani in view of US Patent 6,444,316 (Reddy hereinafter) has been withdrawn.

The rejection of claim 37 under 35 USC § 103(a) as being unpatentable over Evani in view of US Patent 6,169,058 (Le hereinafter) has been withdrawn.

The rejection of claim 40 under 35 USC § 103(a) as being unpatentable over Evani in view of US Patent 5,192,461 (Tomaszewski hereinafter) has been withdrawn.

#### ***EXAMINER'S AMENDMENT***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rodney Carroll on 30 October 2007.

The application has been amended as follows:

Please cancel claims 41-55

***Allowable Subject Matter***

5. Claims 21-23, 27-35, 37, 40, 56 and 57 are allowed.

The following is an examiner's statement of reasons for allowance: Evani, the closest prior art, fails to teach a hydrophobically modified polymer to be selected from the group consisting of a copolymer of stearylacrylate and acrylic acid; a terpolymer of N-isopropylacrylamide, trimethyl acrylamidopropyl ammonium iodide and 3-dimethyl-(methacryloxyethyl) ammonium propane sulfonate; a copolymer of N-tertiarybutylacrylamide or N-isopropylacrylamide and 2-acrylamide-2-methyl propane sulfonic acid; poly(ethyleneoxide)-block-poly(propyleneoxide)-block-poly(ethyleneoxide) grafted with poly(sodium acrylate); hydrophobically modified poly(sodium acrylate) and a copolymer of N-vinylcaprolactam and sodium acrylate and although it teaches a copolymer of N-alkylacrylamide and an ionic monomer it fails to teach the mole percentages of the hydrophobic and hydrophilic monomers as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

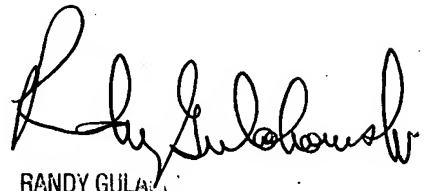
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TJK/  
Patent Examiner, AU 1796

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700